

JOURNAL OF THE HOUSE

EIGHTY-EIGHTH SESSION

TWENTY-FIFTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 19, 2013

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Representative Steve Hickey, followed by the Pledge of Allegiance led by House page Leslie Cope.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-fourth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

1 The oath of office was administered by Speaker Gosch to the following named pages:

2 Lexy Antoine, Carlie Appletoft, Leslie Cope, Madison Inches, Devin Kurtz, Joseph Lyon,
3 Kaitlin Peterson, Rosalyn Rasmussen, Tori Remington

4 Which was subscribed to and placed on file in the office of the Secretary of State.

5 **HONORED GUESTS**

6 Rep. Bartling introduced the Wall School Board, recipient of the Associated School Boards
7 of South Dakota's School Board Award of Excellence for 2012, and Michael Denke, of Wagner,
8 the Associated School Boards of South Dakota's Outstanding School Board Member for 2012.

9 **REPORTS OF STANDING COMMITTEES**

10 MR. SPEAKER:

11 The Committee on Health and Human Services respectfully reports that it has had under
12 consideration HB 1188 and 1241 which were deferred to the 41st Legislative Day.

13 Respectfully submitted,
14 Scott Munsterman, Chair

15 Also MR. SPEAKER:

16 The Committee on Transportation respectfully reports that it has had under consideration
17 SB 151 and returns the same with the recommendation that said bill be amended as follows:

18 151oa

19 On page 4, line 2, of the Senate Transportation Committee engrossed bill, after "any" insert
20 "gas utility or electric utility as defined in chapter 49-34A, consumer power district, municipal
21 utility,".

22 And that as so amended said bill do pass.

23 Respectfully submitted,
24 Mike Verchio, Chair

1 Also MR. SPEAKER:

2 The Committee on Taxation respectfully reports that it has had under consideration
3 HB 1143 and returns the same with the recommendation that said bill be amended as follows:

4 1143fa

5 On page 7, after line 23 of the printed bill, insert:

6 " Section 10. This Act is effective on January 1, 2014.".

7 And that as so amended said bill do pass.

8 Also MR. SPEAKER:

9 The Committee on Taxation respectfully reports that it has had under consideration
10 HB 1218 which was tabled.

11 Also MR. SPEAKER:

12 The Committee on Taxation respectfully reports that it has had under consideration
13 HJR 1003 which was deferred to the 41st Legislative Day.

14 Respectfully submitted,
15 Brock L. Greenfield, Chair

16 **MESSAGES FROM THE SENATE**

17 MR. SPEAKER:

18 I have the honor to return herewith HCR 1005 in which the Senate has concurred.

19 Also MR. SPEAKER:

20 I have the honor to return herewith HB 1034 which has passed the Senate without change.

1 Also MR. SPEAKER:

2 I have the honor to transmit herewith SB 114, 138, 199, and 206 which have passed the
3 Senate and your favorable consideration is respectfully requested.

4 Respectfully,
5 Jeannette Schipper, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 **SCR 1: A CONCURRENT RESOLUTION, Urging action by Congress on agricultural**
8 **issues and the federal farm bill.**

9 Rep. Hoffman moved that SCR 1 as found on page 405 of the Senate Journal be concurred
10 in.

11 The question being on Rep. Hoffman's motion that SCR 1 be concurred in.

12 And the roll being called:

13 Yeas 59, Nays 2, Excused 9, Absent 0

14 Yeas:

15 Bartling; Cammack; Campbell; Conzet; Craig; Cronin; Duvall; Ecklund; Erickson; Feickert;
16 Feinstein; Gibson; Greenfield; Haggar (Jenna); Hajek; Hansen; Hawks; Heinemann (Leslie);
17 Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman; Kopp; Latterell; Lust;
18 Magstadt; May; Miller; Munsterman; Nelson; Novstrup (David); Otten (Herman); Parsley;
19 Peterson; Qualm; Rasmussen; Ring; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp;
20 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;
21 Speaker Gosch

22 Nays:

23 Kaiser; Olson (Betty)

24 Excused:

25 Bolin; Carson; Dryden; Haggar (Don); Hawley; Mickelson; Romkema; Sly; Wismer

26 So the motion having received an affirmative vote of a majority of the members-elect, the
27 Speaker declared the motion carried and SCR 1 was concurred in.

28 Rep. Lust moved that the House do concur in Senate amendments to HB 1106.

29 The question being on Rep. Lust's motion that the House do concur in Senate amendments
30 to HB 1106.

1 And the roll being called:

2 Yeas 60, Nays 0, Excused 10, Absent 0

3 Yeas:

4 Bartling; Cammack; Campbell; Conzet; Craig; Cronin; Duvall; Ecklund; Erickson; Feickert;
5 Feinstein; Gibson; Greenfield; Haggar (Jenna); Hajek; Hansen; Hawks; Heinemann (Leslie);
6 Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell;
7 Lust; Magstadt; May; Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten
8 (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Rounds; Rozum; Russell; Schaefer;
9 Schoenfish; Schrempp; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Westra;
10 Wick; Wink; Speaker Gosch

11 Excused:

12 Bolin; Carson; Dryden; Haggar (Don); Hawley; Mickelson; Romkema; Sly; Werner; Wismer

13 So the motion having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the motion carried and the amendments were concurred in.

15 Rep. Russell moved that the Committee on Commerce and Energy be instructed to deliver
16 HB 1129 to the floor of the House, pursuant to Joint Rule 7-7.

17 A roll call vote was requested and not supported.

18 Rep. Russell's motion lost.

19 Rep. Hickey moved that the Committee on Transportation be instructed to deliver HB 1080
20 to the floor of the House, pursuant to Joint Rule 7-7.

21 Which motion was supported and the committee was so instructed.

22 Rep. Nelson moved that the Committee on Commerce and Energy be instructed to deliver
23 HB 1175 to the floor of the House, pursuant to Joint Rule 7-7.

24 Which motion lost.

HCR 1007 Introduced by: Representatives Lust, Bartling, Bolin, Cammack, Cronin, Dryden, Ecklund, Erickson, Haggar (Don), Hawks, Hawley, Hoffman, Johns, Magstadt, Munsterman, Nelson, Novstrup (David), Peterson, Rounds, Rozum, Schaefer, Schoenfish, Sly, Soli, Stevens, and Verchio and Senators Tieszen, Adelstein, Jones, Kirkeby, Krebs, Lucas, Olson (Russell), Peters, and Rave

A CONCURRENT RESOLUTION, Endorsing Taiwan's participation as an observer in the International Civil Aviation Organization (ICAO) and the United Nations Framework Convention on Climate Change (UNFCCC), and the twenty-ninth anniversary of sister state relations with the Province of Taiwan in the Republic of China (Taiwan).

WHEREAS, civil aviation plays a pivotal role in promoting business, trade, tourism, and cultural exchange; and

WHEREAS, the development of international civil aviation in a safe and orderly manner is the supreme cause of the International Civil Aviation Organization (ICAO); and

WHEREAS, with an excellent geographic location, Taiwan is a key aviation hub for regions in northeastern and southeastern Asia; and

WHEREAS, the Taipei Flight Information Region (FIR), bordering the FIRs of Fukuoka, Manila, Hong Kong, and Shanghai, includes fourteen international airways and four domestic airways, providing services for more than one million flights per year; and

WHEREAS, forty million travelers enter, leave, or pass through the Taipei FIR each year, making Taiwan a key part of air navigation in East Asia; and

WHEREAS, currently, more than fifty domestic and foreign airlines operate flights from Taiwan to one hundred ten cities in the world and the annual number of passengers on international flights is approximately thirty million; and

WHEREAS, in 2010, the number of international passengers at Taoyuan International Airport, made it Taiwan's largest airport and sixteenth largest airport worldwide. It also ranks ninth largest for international cargo, making Taiwan one of the busiest airspaces in the world; and

WHEREAS, without Taiwan's participation, international flight plans, regulations, and procedures that the ICAO formulates would be incomplete and unsafe; and

WHEREAS, as an island in the Pacific Ocean, Taiwan is imperiled by rising sea levels and the ravages of extreme weather; and

WHEREAS, it is apparent that to overcome the challenges posed by such an immense factor as climate change, there must be concerted effort and cooperation among the world citizenry; and

WHEREAS, Taiwan's exclusion from meaningful participation in the United Nations Framework Convention on Climate Change (UNFCCC) has been to the detriment of both the

1 Taiwanese people and the global community as Taiwan not only has the means but also the
2 incentive to make a meaningful contribution; and

3 WHEREAS, Taiwan's request to participate in the ICAO and the UNFCCC is fully in line
4 with the United States government's policy of supporting Taiwan's meaningful participation in
5 the United Nations specialized agencies, and

6 WHEREAS, on December 7, 1984, the State of South Dakota and the Taiwan Province of
7 the Republic of China (Taiwan) jointly established a sister state relationship to promote
8 international understanding and goodwill and to strengthen a greater friendship between the
9 residents of South Dakota and Taiwan; and

10 WHEREAS, over the past twenty-nine years, the bonds of true friendship and a steadfast
11 trade partnership between South Dakota and Taiwan have strengthened, resulting in a better
12 economic, social, and cultural exchange between the two governments; and

13 WHEREAS, every other year, Taiwan has sent an agricultural trade goodwill mission to
14 South Dakota to demonstrate Taiwan's continuing goodwill and willingness to purchase South
15 Dakota's agricultural products, and the South Dakota agricultural industry has benefitted greatly
16 over the past two decades from the sale of beef, wheat, and corn to Taiwan; and

17 WHEREAS, the commercial interaction between the State of South Dakota and Taiwan has
18 grown substantially with each passing year, resulting in increased economic growth for both
19 Taiwan and South Dakota:

20 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
21 Eighth Legislature of the State of South Dakota, the Senate concurring therein, that the South
22 Dakota Legislature endorses Taiwan's participation in the International Civil Aviation
23 Organization (ICAO) as an observer; and

24 BE IT FURTHER RESOLVED, that the South Dakota Legislature is supportive of all
25 efforts to grant Taiwan official observer status at the United Nations Framework Convention
26 on Climate Change (UNFCCC); and

27 BE IT FURTHER RESOLVED, that the South Dakota Legislature celebrates the twenty-
28 ninth anniversary of sister state relations with the Province of Taiwan in the Republic of China
29 (Taiwan); and

30 BE IT FURTHER RESOLVED, that copies of this resolution be sent to the United States
31 Secretary of State, the United States Secretary of Transportation, United States Administrator
32 of the Environmental Protection Agency, each member of the South Dakota Congressional
33 Delegation, and Director General Jack J.C. Yang of the Taipei Economic and Cultural Office
34 in Kansas City.

35 Was read the first time and the Speaker waived the committee referral.

HCR 1008 Introduced by: Representatives Stalzer, Bolin, Cammack, Campbell, Craig, Gosch, Greenfield, Haggar (Don), Haggar (Jenna), Hickey, Kaiser, Kopp, Lust, May, Miller, Nelson, Olson (Betty), Qualm, Russell, Steele, Wick, and Wink and Senators Rhoden, Begalka, Brown, Jensen, Lederman, Maher, Olson (Russell), and Otten (Ernie)

A CONCURRENT RESOLUTION, Exposing and opposing United Nations Agenda 21.

WHEREAS, the United Nations Agenda 21 is a comprehensive plan of extreme environmentalism, social engineering, and global political control that was initiated at the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil, in 1992; and

WHEREAS, the United Nations Agenda 21 is being covertly pushed into local communities throughout the United States of America through the International Council of Local Environmental Initiatives (ICLEI) through local "sustainable development" policies such as Smart Growth, Wildlands Project, Resilient Cities, Regional Visioning Projects, and other "Green" or "Alternative" projects; and

WHEREAS, this United Nations Agenda 21 plan of radical so-called "sustainable development" views the American way of life of private property ownership, single family homes, private car ownership and individual travel choices, and privately owned farms all as destructive to the environment; and

WHEREAS, according to the United Nations Agenda 21 policy, social justice is described as the right and opportunity of all people to benefit equally from the resources afforded them by society and the environment which would be accomplished by socialistic redistribution of wealth; and

WHEREAS, according to the United Nations Agenda 21 policy, national sovereignty is deemed a social injustice:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-Eighth Legislature of the State of South Dakota, the Senate concurring therein, the Legislature recognizes the destructive and insidious nature of United Nations Agenda 21 and hereby exposes to the public and public policy makers the dangerous intent of the plan; and

BE IT FURTHER RESOLVED, that the United States government and no state or local government is legally bound by the United Nations Agenda 21 treaty in that it has never been ratified by the United States Senate; and

BE IT FURTHER RESOLVED, that the federal, state, and local governments across the country be well informed of the underlying harmful implications of implementation of United Nations Agenda 21 destructive strategies for "sustainable development," and we hereby endorse rejection of its radical policies and rejection of any grant monies attached to it.

Was read the first time and the Speaker waived the committee referral.

1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Rep. Lust moved that the reports of the Standing Committees on
3 Education on HB 1183 as found on page 420 of the House Journal; also
4 Judiciary on HB 1226 as found on page 425 of the House Journal; also
5 Judiciary on HB 1235 as found on page 425 of the House Journal; also
6 Judiciary on HB 1237 as found on page 427 of the House Journal be adopted.
7 Which motion prevailed.

8 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

9 SB 114: FOR AN ACT ENTITLED, An Act to provide a definition of smoking.
10 Was read the first time and referred to the Committee on Local Government.

11 SB 138: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
12 educational data reporting.

13 Was read the first time and referred to the Committee on Education.

14 SB 199: FOR AN ACT ENTITLED, An Act to exempt certain property used for
15 educational purposes from taxation.

16 Was read the first time and referred to the Committee on Taxation.

17 SB 206: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to liability
18 and to worker's compensation and disability payments for law enforcement officers performing
19 duties in other jurisdictions.

20 Was read the first time and referred to the Committee on Local Government.

21 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

22 Rep. Cronin moved that HB 1045 be deferred to Wednesday, February 20, the
23 26th legislative day.

24 Which motion prevailed.

1 Rep. Wink moved that HB 1187 be placed to precede HB 1217 on today's calendar.

2 Which motion prevailed.

3 HB 1187: FOR AN ACT ENTITLED, An Act to provide alternative brand inspection
4 procedures for certain rodeo livestock.

5 Was read the second time.

6 The question being "Shall HB 1187 pass as amended?"

7 And the roll being called:

8 Yeas 60, Nays 0, Excused 10, Absent 0

9 Yeas:

10 Bartling; Cammack; Campbell; Conzet; Craig; Cronin; Duvall; Ecklund; Erickson; Feickert;
11 Feinstein; Gibson; Greenfield; Haggar (Jenna); Hajek; Hansen; Hawks; Heinemann (Leslie);
12 Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell;
13 Lust; Magstadt; May; Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten
14 (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Rounds; Rozum; Russell; Schaefer;
15 Schoenfish; Schrempp; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Westra;
16 Wick; Wink; Speaker Gosch

17 Excused:

18 Bolin; Carson; Dryden; Haggar (Don); Hawley; Mickelson; Romkema; Sly; Werner; Wismer

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 Speaker declared the bill passed and the title was agreed to.

21 HB 1217: FOR AN ACT ENTITLED, An Act to revise and expand certain provisions
22 related to organ and tissue donation.

23 Was read the second time.

24 The question being "Shall HB 1217 pass as amended?"

25 And the roll being called:

26 Yeas 59, Nays 1, Excused 10, Absent 0

1 Yeas:

2 Bartling; Cammack; Campbell; Conzet; Craig; Cronin; Duvall; Ecklund; Erickson; Feickert;
3 Feinstein; Gibson; Greenfield; Haggar (Jenna); Hajek; Hansen; Hawks; Heinemann (Leslie);
4 Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman; Kopp; Latterell; Lust;
5 Magstadt; May; Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten
6 (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Rounds; Rozum; Russell; Schaefer;
7 Schoenfish; Schrempp; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Westra;
8 Wick; Wink; Speaker Gosch

9 Nays:

10 Kaiser

11 Excused:

12 Bolin; Carson; Dryden; Haggar (Don); Hawley; Mickelson; Romkema; Sly; Werner; Wismer

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 Rep. Dryden moved that HB 1191 be placed to follow HB 1228 on today's calendar.

16 Which motion prevailed.

17 HB 1194: FOR AN ACT ENTITLED, An Act to revise the period during which fireworks
18 may be discharged.

19 Was read the second time.

20 The question being "Shall HB 1194 pass as amended?"

21 And the roll being called:

22 Yeas 59, Nays 1, Excused 10, Absent 0

23 Yeas:

24 Bartling; Cammack; Campbell; Conzet; Craig; Cronin; Duvall; Ecklund; Erickson; Feickert;
25 Feinstein; Gibson; Greenfield; Haggar (Jenna); Hajek; Hansen; Hawks; Heinemann (Leslie);
26 Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell;
27 Lust; Magstadt; May; Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten
28 (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Rounds; Rozum; Russell; Schaefer;
29 Schoenfish; Schrempp; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Westra; Wick;
30 Wink; Speaker Gosch

31 Nays:

32 Verchio

1 Excused:

2 Bolin; Carson; Dryden; Haggar (Don); Hawley; Mickelson; Romkema; Sly; Werner; Wismer

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 HB 1234: FOR AN ACT ENTITLED, An Act to provide a limited exception to the
6 provisions that exempt sport shooting ranges from the public nuisance laws.

7 Was read the second time.

8 The question being "Shall HB 1234 pass as amended?"

9 And the roll being called:

10 Yeas 67, Nays 3, Excused 0, Absent 0

11 Yeas:

12 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
13 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
14 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
15 (Bernie); Johns; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; Mickelson; Miller;
16 Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm;
17 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly;
18 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;
19 Wismer; Speaker Gosch

20 Nays:

21 Kaiser; May; Nelson

22 So the bill having received an affirmative vote of a majority of the members-elect, the
23 Speaker declared the bill passed and the title was agreed to.

24 Rep. Lust moved that HB 1136 and 1137 be placed to follow HB 1204 on today's calendar.

25 Which motion prevailed.

26 Speaker Pro tempore Wink now presiding.

27 HB 1250: FOR AN ACT ENTITLED, An Act to honor veterans as certain persons who
28 performed service in reserve components.

29 Was read the second time.

1 The question being "Shall HB 1250 pass?"

2 And the roll being called:

3 Yeas 69, Nays 1, Excused 0, Absent 0

4 Yeas:

5 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
6 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
7 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
8 (Bernie); Johns; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller;
9 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
10 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
11 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
12 Wick; Wink; Wismer; Speaker Gosch

13 Nays:

14 Kaiser

15 So the bill having received an affirmative vote of a majority of the members-elect, the
16 Speaker declared the bill passed and the title was agreed to.

17 Speaker Gosch now presiding.

18 HB 1228: FOR AN ACT ENTITLED, An Act to give producers priority to recover on a
19 bond seized by the state from a public grain warehouse or grain buyer.

20 Was read the second time.

21 1228ta

22 Rep. Feickert moved that HB 1228 be amended as follows:

23 On page 1 of the printed bill, delete lines 13 to 15, inclusive.

24 On page 2, delete lines 1 to 7, inclusive.

25 Which motion prevailed.

26 The question being "Shall HB 1228 pass as amended?"

27 And the roll being called:

28 Yeas 18, Nays 52, Excused 0, Absent 0

1 Yeas:

2 Bartling; Conzet; Feickert; Feinstein; Gibson; Hawley; Heinert; Hunhoff (Bernie); Killer;
3 Kirschman; May; Nelson; Olson (Betty); Ring; Schrempp; Sly; Soli; Wismer

4 Nays:

5 Bolin; Cammack; Campbell; Carson; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson;
6 Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks; Heinemann (Leslie);
7 Hickey; Hoffman; Johns; Kaiser; Kopp; Latterell; Lust; Magstadt; Mickelson; Miller;
8 Munsterman; Novstrup (David); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen;
9 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Solum; Stalzer; Steele; Stevens;
10 Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Speaker Gosch

11 So the bill not having received an affirmative vote of a majority of the members-elect, the
12 Speaker declared the bill lost.

13 HB 1191: FOR AN ACT ENTITLED, An Act to provide for the issuance of additional
14 retail fireworks licenses.

15 Was read the second time.

16 The question being "Shall HB 1191 pass as amended?"

17 And the roll being called:

18 Yeas 69, Nays 1, Excused 0, Absent 0

19 Yeas:

20 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
21 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
22 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
23 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;
24 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
25 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
26 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Werner; Westra; Wick;
27 Wink; Wismer; Speaker Gosch

28 Nays:

29 Verchio

30 So the bill having received an affirmative vote of a majority of the members-elect, the
31 Speaker declared the bill passed and the title was agreed to.

1 Rep. Lust moved that the balance of the calendar including HB 1161, 1212, 1214, 1089,
2 1149, 1165, 1204, 1136, and 1137 and SB 41, 45, 23, 72, 18, 19, 27, 78, 86, 156, 68, 88, 145,
3 96, 22, 29, 30, 239, 69, 103, and 118 be deferred to Wednesday, February 20, the 26th legislative
4 day.

5 Which motion prevailed.

6 There being no objection, the House reverted to Order of Business No. 5.

7 **REPORTS OF STANDING COMMITTEES**

8 MR. SPEAKER:

9 The Committee on Appropriations respectfully reports that it has had under consideration
10 SB 10, 11, 189, and 190 and returns the same with the recommendation that said bills do pass.

11 Also MR. SPEAKER:

12 The Committee on Appropriations respectfully reports that it has had under consideration
13 HB 1060 and returns the same with the recommendation that said bill be amended as follows:

14 1060uc

15 On page 38, line 4, of the printed bill, delete "\$2,639,609" and insert "\$2,459,609".

16 On page 38, line 6, delete "\$1,352,861" and insert "\$1,532,861".

17 On page 44, line 18, delete "\$747,636" and insert "\$1,027,487".

18 On page 45, line 3, delete "\$1,761,337" and insert "\$2,061,337".

19 On page 45, line 5, delete "\$2,146,812" and insert "\$2,929,962".

20 1060vb

21 On page 47, line 2, of the printed bill, delete "\$120,524" and insert "\$138,524".

22 1060me

23 On page 48 of the printed bill, delete lines 1 to 4, inclusive.

1 1060md

2 On page 44, between lines 1 and 2 of the printed bill, insert:

3 " Appropriations, Other Funds, delete "\$35,000" and insert "\$256,534".

4 On page 48, delete lines 13 to 17, inclusive.

5 1060ab

6 On page 49, line 19, of the printed bill, delete "may" and insert "shall".

7 And that as so amended said bill do pass.

8 Also MR. SPEAKER:

9 The Committee on Appropriations respectfully reports that it has had under consideration
10 HB 1184 and returns the same with the recommendation that said bill be amended as follows:

11 1184ua

12 On page 1, line 4, of the printed bill, delete "four million dollars" and insert "two million
13 five hundred thousand one dollars (\$2,500,001)".

14 On page 1, line 5, delete "(\$4,000,000)".

15 On page 1, line 7, delete "(\$1,500,000) " and insert "(\$1)".

16 And that as so amended said bill do pass.

17 Also MR. SPEAKER:

18 The Committee on Appropriations respectfully reports that it has had under consideration
19 HB 1183 which was deferred to the 41st Legislative Day.

20 Respectfully submitted,
21 Fred W. Romkema, Chair

22 Also MR. SPEAKER:

23 The Committee on Legislative Procedure respectfully reports that HB 1097 was delivered
24 to his Excellency, the Governor, for his approval at 9:15 a.m., February 19, 2013.

1 Also MR. SPEAKER:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
3 and Enrolling has carefully compared HB 1034 and finds the same correctly enrolled.

4 Respectfully submitted,
5 Brian G. Gosch, Chair

6 There being no objection, the House proceeded to Order of Business No. 9.

7 **CONSIDERATION OF REPORTS OF COMMITTEES**

8 Rep. Lust moved that the reports of the Standing Committees on
9 Taxation on HB 1143 as found on page 431 of the House Journal; also
10 Appropriations on HB 1060 as found on page 443 of the House Journal; also
11 Appropriations on HB 1184 as found on page 444 of the House Journal be adopted.
12 Which motion prevailed.

13 **SIGNING OF BILLS**

14 The Speaker publicly read the title to

15 HB 1023: FOR AN ACT ENTITLED, An Act to revise certain rules relating to the
16 Department of Human Services Medicaid waiver programs.

17 HB 1034: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
18 procedure for setting petroleum examination and testing specifications and methods.

19 HB 1169: FOR AN ACT ENTITLED, An Act to amend the provisions regarding the
20 reimbursement of a physical exam of a victim after a rape.

21 SB 8: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
22 Authority and the Board of Regents to finance, design, construct, furnish, and equip a sports
23 performance enhancement facility arena and a new outdoor track and soccer complex at the
24 University of South Dakota and to make an appropriation therefor.

25 SB 9: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to accept the
26 donation of land from the University of South Dakota Foundation for the use and benefit of the
27 University of South Dakota.

SB 126: FOR AN ACT ENTITLED, An Act to revise the provisions that authorize townships to combine the offices of the clerk and the treasurer.

SB 127: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the health and educational facilities authority.

And signed the same in the presence of the House.

COMMEMORATIONS

HC 1021 Introduced by: Representatives Schoenfish, Bartling, Bolin, Cammack, Cronin, Feickert, Feinstein, Gibson, Hansen, Hawks, Hawley, Heinert, Hoffman, Hunhoff (Bernie), Killer, Kirschman, Mickelson, Munsterman, Nelson, Parsley, Peterson, Rasmussen, Ring, Rozum, Russell, Schrempp, Soli, Stalzer, Steele, Tyler, and Wismer and Senators Jones, Bradford, Brown, Buhl, Frerichs, Hunhoff (Jean), Kirkeby, Lucas, Maher, Monroe, Otten (Ernie), Sutton, Tieszen, Vehle, and Welke

A LEGISLATIVE COMMEMORATION, Honoring and commemorating the fifty-fifth anniversary in 2013 of the annual Schmeckfest in Freeman, South Dakota.

WHEREAS, the fifty-fifth annual Schmeckfest celebrates the rich cultural heritage that German immigrants transported from their homeland to enrich their new home in South Dakota and is hosted by the Freeman Academy Auxiliary; and

WHEREAS, Schmeckfest is held every spring, has grown to accommodate more than six thousand guests each year, and showcases the traditional foods and crafts of the Freeman community with an ethnic meal, demonstrations, and displays; and

WHEREAS, this year on March 15-16, 2013, and March 22-23, 2013, the ethnic German meal will be served family style from 4:00 p.m. to 7:00 p.m. at the Pioneer Hall in Freeman, South Dakota. Tickets are available for one thousand meals each evening; and

WHEREAS, the annual event includes a full stage musical theater production of Fiddler on the Roof, which will take place on March 15-16, 2013, and March 22-23, 2013, at 8:00 p.m.:

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the State of South Dakota, that the many members and friends of the Freeman community are commended and honored on the fifty-fifth anniversary of Schmeckfest in 2013.

Rep. Steele moved that the House do now adjourn, which motion prevailed and at 3:36 p.m. the House adjourned.

Arlene Kvislen, Chief Clerk